

AMENDED IN ASSEMBLY APRIL 24, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2092

Introduced by Assembly Member Chesbro

February 23, 2012

An act to amend Section 11019.8 of the Government Code, relating to economic development.

LEGISLATIVE COUNSEL'S DIGEST

AB 2092, as amended, Chesbro. Economic development: federally recognized Indian tribes.

Existing law encourages and authorizes all state agencies to cooperate with federally recognized California Indian tribes on matters of economic development and improvement for the Indian tribes. Existing law provides that cooperation by state agencies with federally recognized California Indian tribes on those matters may include certain activities, but it may not include activities that promote gambling.

This bill would, instead, require that state agencies cooperate with federally recognized California Indian tribes on matters of economic development and improvement for the Indian tribes. ~~This bill would remove the provision that prohibited state agencies from cooperating with Indian tribes under these provisions on activities that promote gambling. This bill would require the Office of Planning and Research, in consultation with the Governor's Tribal Advisor, to adopt a policy of communication and consultation with all federally recognized California Indian tribes that must meet certain requirements. This bill would require all state agencies to comply with the policy. This bill would, instead, provide that cooperation by state agencies on economic development and improvement for federally recognized California~~

Indian tribes shall not be construed to include activities that are solely related to gaming.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) California is home to many federally recognized Indian tribes
4 with which the State of California has an important relationship,
5 as set forth and affirmed in state and federal laws.

6 (b) The State of California recognizes and reaffirms the inherent
7 right of these Indian tribes to exercise sovereign authority over
8 their members and their territory.

9 (c) The state and the Indian tribes are better able to adopt and
10 implement mutually beneficial policies when they cooperate and
11 engage in meaningful consultation.

12 (d) The state is committed to strengthening and sustaining
13 effective government-to-government relationships between the
14 state and the Indian tribes by identifying areas of mutual concern
15 and working to develop partnerships and consensus.

16 SEC. 2. Section 11019.8 of the Government Code is amended
17 to read:

18 11019.8. (a) All state agencies, as defined in Section 11000,
19 shall cooperate with federally recognized California Indian tribes
20 on matters of economic development and improvement for the
21 Indian tribes.

22 (b) Cooperation by state agencies with federally recognized
23 California Indian tribes may include, but need not be limited to,
24 all of the following:

25 (1) Providing information on programs available to assist Indian
26 tribes.

27 (2) Providing technical assistance on the preparation of grants
28 and applications for public and private funds, and conducting
29 meetings and workshops.

30 (3) Any other steps that may reasonably be expected to assist
31 Indian tribes to become economically self-sufficient.

32 ~~(e) The Office of Planning and Research, in consultation with~~
33 ~~the Governor's Tribal Advisor created pursuant to Executive order~~

1 ~~B-10-11, shall adopt a policy of communication and consultation~~
2 ~~with all federally recognized California Indian tribes. All state~~
3 ~~agencies shall comply with the policy. The policy shall provide~~
4 ~~for timely and meaningful communication and consultation with~~
5 ~~Indian tribes and shall permit elected officials and other~~
6 ~~representatives of tribal governments to provide timely and~~
7 ~~meaningful input into the development of legislation, regulations,~~
8 ~~rules, and policies on matters that significantly or uniquely affect~~
9 ~~the tribal community. The policy shall require the state agency to~~
10 ~~communicate and consult with Indian tribes before the agency~~
11 ~~proposes legislation, or proposes or adopts regulations, rules, or~~
12 ~~policies that may materially affect the tribal community.~~

13 *(c) Cooperation by state agencies on economic development*
14 *and improvement for federally recognized California Indian tribes*
15 *shall not be construed to include activities that are solely related*
16 *to gaming.*